


U.S.A. vs DANIEL ONTIVEROS

No. 07MJ8847

The Court finds excludable delay, under the section indicated by check ( ☒ ),  
 commenced on 10/25/07 and ended on 11/8/07; ( )  
 \_\_\_\_\_ and ended on \_\_\_\_\_. ( )

- |                          |   |    |
|--------------------------|---|----|
| <u>3161(h)</u>           |   |    |
| <u>   </u> (1) (A)       | Exam or hrg for <b>mental or physical incapacity</b>  | A  |
| <u>   </u> (1) (B)       | <b>NARA examination</b> (28:2902)   | B  |
| <u>   </u> (1) (D)       | State or Federal trials or <b>other charges pending</b>   | C  |
| <u>   </u> (1) (E)       | <b>Interlocutory appeals</b>  | D  |
| <u>   </u> (1) (F)       | <b>Pretrial motions</b> (from flg to hrg or other prompt dispo)   | E  |
| <u>   </u> (1) (G)       | <b>Transfers from other district</b> (per FRCrP 20, 21 & 40)  | F  |
| <u>   </u> (1) (J)       | <b>Proceedings under advisement</b> not to exceed thirty days   | G  |
| <u>   </u>               | Misc proc: Parole or prob rev, deportation, <b>extradition</b>  | H  |
| <u>   </u> (1) (H)       | <b>Transportation</b> from another district or to/from examination<br>or hospitalization in ten days or less  | 6  |
| <u>   </u> (1) (I)       | Consideration by Court of <b>proposed plea agreement</b>  | 7  |
| <u>   </u> (2)           | <b>Prosecution deferred</b> by mutual agreement   | I  |
| <u>   </u> (3) (A) (B)   | <b>Unavailability of defendant or essential witness</b>   | M  |
| <u>   </u> (4)           | Period of <b>mental or physical incompetence</b> of defendant to<br>stand trial   | N  |
| <u>   </u> (5)           | Period of <b>NARA commitment or treatment</b>   | O  |
| <u>   </u> (6)           | <b>Superseding indictment and/or new charges</b>  | P  |
| <u>   </u> (7)           | <b>Defendant awaiting trial of co-defendant</b> when no severance<br>has been granted   | R  |
| <u>   </u> (8) (A) (B)   | <b>Continuances</b> granted per (h) (8)-use "T" alone if more than<br>one of the reasons below are given in support of continuance  | T  |
| <u>  X  </u> (8) (B) (I) | 1) Failure to grant a <b>continuance</b> in the proceeding<br>would result in a <b>miscarriage of justice</b> and<br>the ends of justice outweigh the best interest<br>of the public and the defendant in a speedy trial.<br><b>(Continuance - miscarriage of justice)</b>                          | T1 |
| <u>   </u>               | 2) Failure to grant a <b>continuance</b> of the trial would result in<br>a miscarriage of justice as the defendant has tendered a<br>guilty plea to a magistrate judge and is awaiting a<br>determination as to whether the plea will be accepted.<br><b>(Continuance - tendered a guilty plea)</b> |    |
| <u>   </u> (8) (B) (ii)  | 2) <b>Case unusual or complex</b>   | T2 |
| <u>   </u> (8) (B) (iii) | 3) <b>Indictment</b> following arrest <b>cannot be filed</b> in thirty (30) days  | T3 |
| <u>   </u> (8) (B) (iv)  | 4) <b>Continuance</b> granted in order to obtain or substitute counsel,<br>or give reasonable time to prepare<br><b>(Continuance re counsel)</b>  | T4 |
| <u>   </u> 3161(I)       | Time up to <b>withdrawal of guilty plea</b>   | U  |
| <u>   </u> 3161(b)       | <b>Grand jury indictment time extended</b> thirty (30) <del>more</del> days   | W  |

Date 10/25/07

  
 Judge's Initials